

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

TIMOTHY MOSBY,

PLAINTIFF

V.

NO. 4:05CV9-D-B

**BOLIVAR COUNTY
REGIONAL CORRECTIONAL FACILITY, ET AL,**

DEFENDANTS

ORDER APPROVING AND ADOPTING REPORT AND RECOMMENDATION

The defendants moved to dismiss this *pro se* EEOC discrimination complaint as untimely filed. Magistrate Judge Eugene Bogen filed a Report and Recommendation on January 11, 2006, recommending that the motion be dismissed. The Report and Recommendation was on January 11, 2006, duly served by mail upon counsel for the defendants and on the *pro se* plaintiff at his last known address, the parties were given 10 days to file any objections to the Report and Recommendation, and no objection to the Report and Recommendation has been served or filed by any party. The court is of the opinion that the magistrate judge's Report and Recommendation recommending that the defendants' motion be denied should be approved and adopted. Therefore, it is

ORDERED:

1) The Report and Recommendation of the United States Magistrate Judge dated January 11, 2006, is hereby approved and adopted.

2) The motion to dismiss the complaint as untimely filed is **denied**.

THIS the 14th day of February, 2006.

/s/ Glen H. Davidson
CHIEF JUDGE